THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20130 OF 2005

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O R D E R:

The petitioner is a deaf and dumb student. Despite her disability and handicap, she studied S.S.C. in an ordinary institution, without availing any benefit meant for handicapped candidates. Having realized that such candidates cannot study and take examination in more languages than one, the Government issued G.O.Ms.No.198, dated 18.08.1987 permitting such candidates to appear in the S.S.C. public examination with only one language. The result is that she was exempted from appearing in English subject. By virtue of the said G.O. the petitioner was declared to have passed in S.S.C. examination. Similar benefit was extended to the petitioner in intermediate though Memo in Rc.No.125/C4-1/M/2003, dated 02.08.2003, issued by the Board of intermediate Education. She is declared to have passed the Intermediate examination.

Despite the serious handicap, with her enthusiasm and hard work, she studied B.A., in the Andhra University. She appeared in all papers except English. She has passed in all the papers in which she appeared. She made an application to the respondents to exempt her from appearing in the English language papers 1 and 2 for B.A. degree examination. Complaining that no action has been taken by the respondents on her application, she filed this writ petition.

The petitioner deserves to be commended and appreciated for the unrelenting effort made by her in studying one course after the other despite the handicap suffered by her. It is established beyond any reasonable doubt that the persons with such handicap cannot learn more languages than one. It was having regard to such an established fact, that the Government issued G.O.Ms.No.198, dated 18.08.1997, and the Board of Intermediate being issued Memo Rc.No.125/C4-1/M/2003, dated 02.08.2003. There is absolutely no justification for the respondents in not extending such benefit. When candidates with all faculties in order are failing in several

subjects year after year, the petitioner, who notwithstanding her serious handicap had passed all the papers, deserves to be extended the benefit. When the Government of A.P. and the Board of Intermediate Education have extended the facility of exempting the petitioner from appearing English language paper, refusal by the respondents to extend the same benefit would be arbitrary and unreasonable.

Under these circumstances, the writ petition is allowed and the respondents are directed to pass appropriate orders within a period of one month from the date of receipt of this order, taking into account the orders passed by the Government of Andhra Pradesh in G.O.Ms.No.198, dated 18.08.1987, and the Board of Intermediate being issued Memo Rc.No.125/C4-1/M/2003, dated 02.08.2003 and treating the case of the petitioner as a special one. In the event of the respondents extending the benefit of exemption to the petitioner from appearing in English language papers 1 and 2, the result of the petitioner shall be declared on the basis of the marks secured by her in the other papers. They shall also take further steps in the matter of issuance of certificates etc.

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(L.NARASIMHA REDDY, J)

15TH SEPTEMBER, 2005.

Note: Issue C.C. in three days.

(B/o) TS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.20130 OF 2005

DATE:15.09.2005

Between:

N. Vamsi Vidya, D/o N.R.G. Sarma, student, 21 years, r/o Tanuku, West Godavari District.

…… Petitioner

And

1. The Vice Chancellor, Waltair, Visakhapatnam. and others.

…… Respondents